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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,983

Applicant(s)

YOO ET AL.

Examiner

Sindya Narayanaswamy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 - 7 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 USC 103(a) as being unpatentable over Kim, US-6,133,911.

4. As per claim 1, Kim teaches a method of menu-based remote control of an external device that is connected to an audio/video apparatus (col. 8, lines 31-37), comprising the steps of:

- a. Displaying, on the display unit of the audio/video apparatus, a main menu image including menu items for selecting functions or operations of said external device and menu items for obtaining a detailed menu of said external device, the main menu image being stored in a memory (col. 2, lines 61-67, col. 3, lines 6-10); and
- b. Transmitting command data to said external device, in response to the selection of one of the menu items associated with functions or operations of said external device

(*execute operation*), and/or displaying a menu image of the detailed menu (*display sub-menu*) which has been stored in said memory when one of the menu items for obtaining the detailed menu is selected (col. 5, lines 58-67; col. 6, lines 17-20; col. 6, lines 27-29).

5. Kim does not explicitly teach the main menu image being stored in the memory of an audio/video apparatus. However, official notice is taken that it is well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the main menu image in the memory of the audio/video apparatus or externally, since it is a design choice of implementation and they are functionally equivalent.

6. As per claim 2, Kim teaches a method wherein a menu item on the main menu image displayed in step (a) over which the cursor is positioned is displayed differently from other menu items (S422, S423, Fig. 4).

7. As per claim 3, Kim teaches a method wherein the menu item over which the cursor is positioned is displayed differently from other menu items based on information about the positions of respective areas of menu items on the menu image, the information being stored in a memory of the audio/video apparatus (col. 4, lines 49-60).

8. As per claim 4, Kim teaches the method wherein in step (b), which menu item has been selected is determined based on the position of a cursor on the main menu image the instant that selection key is inputted by a user (col. 4, line 61-col. 5, line 10).

9. As per claim 5, Kim teaches the method further comprising the step of transmitting to the external device (*instruct receiver*) command data in response to the selection of one of the menu items on the detailed menu displayed in step (b) (col. 5, lines 19-33).

10. As per claim 6, Kim teaches the method wherein the command data is transmitted to request and obtain information of the external device (col. 5, lines 22-25; Fig. 4, S442).

11. As per claim 7, Kim teaches the method wherein the command data is transmitted to request and obtain information stored in a medium (*data that is stored in advance in a database*) (col. 5, lines 41-48). Kim does not explicitly teach the method wherein information is stored in a disk-type medium loaded in the external device. However, official notice is taken that it is well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include store the information in a disk-type medium loaded in the external device.

12. As per claim 8, Kim does not specifically teach the method wherein the external device is an audio/video device. However, official notice is taken that it audio video devices are very well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate audio/video capabilities to Kim's external device in order to allow to extend the uses of the device (perhaps to handicapped/disabled users as well).

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13. As per claim 9, Kim teaches the method wherein the audio/video apparatus is a television receiver (col. 2, lines 65-66). Kim does not specifically teach that the apparatus is a digital television. However, official notice is taken that digital televisions with external control devices are well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the television receiver in Kim's invention to be digital in order to improve audio and video quality.

14. As per claim 10, Kim does not teach the method wherein the external device is a DVD player. However, official notice is taken that DVD players with external control devices are well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the external device of Kim to be a DVD player in order to allow the user to utilize the extended capabilities that a DVD player allows (playing of DVDs, VCDs, and CDs).

15. As per claim 11, Kim teaches the method wherein command data is transmitted from the audio/video apparatus to the external device through an interface (col. 2, line 65-col. 3, line 5).

16. As per claims 13-15 and 16-19, they are similar in scope to claims 1-3 and 8-11, respectively, and are rejected on the same basis.

17. Claims 12 and 20 are rejected under 35 USC 103(a) over Kim, US-6,133,911 in view of Humpleman et al (hereinafter Humpleman), US-6,182,094.

18. As per claims 12 and 20, Kim does not specifically teach the method or audio/video apparatus wherein the interface is an IEEE 1394 interface. However, Humpleman teaches the method wherein the interface is an IEEE 1394 interface (100, Fig. 1; col. 6, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kim with Humpleman's step of using an IEEE 1394 interface in order to create a standardized system that is compatible with other IEEE systems.

Response To Argument

19. In the remarks, applicant has argued in substance that:

(1) If the Examiner is equating the pointing interface device 30 and the television receiver 40 to Applicant's audio/video apparatus and external device, respectively, Kim certainly does not disclose or render obvious, inter alia, "displaying, a main menu image including menu items for selecting functions or operations of said external device and menu items for obtaining a detailed menu of said external device" as recited in independent claim 1.

(2) If Examiner is equating Kim's pointing interface device and television receiver to Applicant's audio/video apparatus and external device, respectively, Kim does not disclose or render obvious, inter alia, "displaying, on the displaying unit of the audio/video apparatus, a main menu image including menu items" as recited in independent claim 1.

20. Examiner respectfully disagrees with Applicant's arguments and resubmits that:

As to point (1), Kim does disclose "displaying, a main menu image including menu items for selecting functions or operations of said external device and menu items for obtaining a detailed menu of said external device" as recited in independent claim 1. Kim clearly teaches the display of menu images (col. 2, line 65-col. 3, line 5). Kim further teaches that the menu items displayed can be functions or operations of the external device (data corresponds to external command) (col. 4, lines 20-35).

As to point (2), Examiner does not equate Kim's pointing interface device and television receiver to Applicant's audio/video apparatus and external device, respectively. Therefore, Examiner does not discuss the matter.

Conclusion

21. This action is a **final rejection, necessitated by amendment**, and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee.

If applicant should desire to file an amendment, entry of a proposed amendment after

final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number 703-305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703.308.0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Sindya Narayanaswamy

December 4, 2003

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